IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 2430 of 2004(L)

PETITIONER:
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1. **K.P.AMBI ACHARI,**
   S/O.LATE PARAMESWARAN ACHARI, KANDATHIL
   PUTHENPURAYIL, RAKKAD KARA, VALAKOM VILLAGE,
   MEKADAMPU.

2. **JINU K.MYTHEEN, S/O MYTHEEN,**
   KATTAKUDIYIL, MULAVOOR, MUVATTUPUZHA.

3. **A.M.MUHAMMED ALI, S/O. A.E.MAKKAR,**
   ARYAMKALAYIL, KAVUMKARA, MUVATTUPUZHA.

BY ADV. SRI.MOHAN JACOB GEORGE
SMT.REENA THOMAS

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY ITS**
   PRINCIPAL SECRETARY, REVENUE DEPARTMENT,
   SECRETARIATE, TRIVANDRUM.

2. **DISTRICT COLLECTOR, CIVIL STATION,**
   KAKKANAD, ERNAKULAM DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.2430/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE DEED NO.5584 DT. 27.11.2000 OF SRO MUVATTUPUZHA EXECUTED IN FAVOUR OF PETITIONERS 2 & 3.

EXT.P2:- COPY OF THE DEED NO.1710/02 DT. 20.5.02 OF SRO, MUVATTUPUZHA, EXECUTED IN FAVOUR OF 1ST PETITIONER.

EXT.P3:- COPY OF THE TAX RECEIPT NO. 27 DT. 11.7.77.

EXT.P4:- COPY OF THE ORDER DT. 23.1.62 ISSEUD BY THE TAHSILDAR, MUVATTUPUZHA IN K.P.CASE NO.1/62-63.

EXT.P5:- COPY OF THE JUDGMENT DT. 5.4.84 SECOND APPEALS MOS. 948& 960/1980.

EXT.P6:- COPY OF THE LETTER DT. 11.3.86 ISSUED BY THE TAHSILDAR TO SRI. SAIDU MUHAMMED.

EXT.P7:- COPY OF THE PETITION DT. 12.5.86 SUBMITTED BY SAIDU MUHAMMED TO THE HONOURABLE REVENUE MINISTER.

EXT.P8:- COPY OF THE PETITION DT. 24.11.88 SUBMITTED BY SAIDU MUHAMMED TO THE SUB COLLECTOR, MUVATTUPUZHA.

EXT.P9:- COPY OF THE LETTER DT. 8.12.88 OF THE SUB COLLECTOR.

EXT.P10:- COPY OF THE LETTER DT. 3.8.89 OF THE MUVATTUPUZHA MUNICIPALITY ALONGWITH THEIR RESOLUTION DT. 21.6.89.

EXT.P11:- COPY OF THE SAID LETTER DT. 22.8.89 SENT TO THE EXECUTIVE ENGINEER, PWD (ROAD), MUVATTUPUZHA.

EXT.P12:- COPY OF THE SAID LETTER DT. 21.6.90 OF THE EXECUTIVE ENGINEER, PWD SENT TO TAHSILDAR.

EXT.12(a):- COPY OF THE SKETCH SENT ALONGWITH EXT.P11.

EXT.P13:- COPY OF THE RULE 12(1) NOTICE ISSUED BY THE TAHSILDAR , MUVATTUPUZHA.

EXT.P13(a):- COPY OF THE DECISION NO.C2-8375/97 DT. 2.3.01 OF THE LAND ASSIGNMENT COMMITTEE.

EXT.P14:- COPY OF THE PETITION FOR ASSIGNMENT DT. 15.12.03 SUBMITTED BY THE 1ST PETITIONER.

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EXT.P14(a):- COPY OF THE APPLICATION DT. 15.12.03 SUBMITTED BY THE 1ST PETITIONER.

EXT.P15:- COPY OF THE PETITION DT. 15.12.03 SUBMITTED BY THE 1ST PETITIONER.

EXT.P15(a):- COPY OF THE APPLICATION FOR ASSIGNMENT SUBMITTED BY PETITIOERS 2 & 3.

EXT.P16:- COPY OF THE ACKNOWLEDGEMENT CARD EVIDENCING RECEIPT OF EXT.P14 BY 2ND RESPONDENT.

EXT.P169a):- COPY OF THE ACKNOWLEDGEMENT CARD EVIDENCING RECEIPT OF EXT.P15 BY 2ND RESPONDENT.

EXT.P17:- COPY OF THE G.O.(P) NO.336/71 DT. 3.8.71.

EXT.P18:- COPY OF THE G.O.(MS) 232/80/RD DT. 26.2.1980.

/TRUE COPY/

P.A. TO JUDGE

tss

KURIAN JOSEPH J.

W.P.(C) No.2430 of 2004

Dated 9th August, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "Issue a writ of mandamus or other appropriate writ or order commanding the respondents to issue the pattayam for the properties described in Exts.P14 and P15 to the petitioners as per their Exts.P14(a) and P15(a) applications.
>
> (ii) Direct the second respondent to consider and pass orders on Exts.P14 to P15(a) within a time limit prescribed by this Hon'ble Court."

There will be a direction to the second respondent to take appropriate action in accordance with law on Exts.P14 to P15(a), in the matter of issuance of pattayam, if not already taken, with notice to the petitioners, within a period of three months from the date of production of a copy of the judgment by the petitioners.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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